

State of Arizona
Senate
Forty-eighth Legislature
Second Regular Session
2008

SENATE BILL 1037

AN ACT

AMENDING TITLE 28, CHAPTER 2, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-336; AMENDING SECTIONS 28-601, 28-641, 28-642, 28-737 AND 28-876, ARIZONA REVISED STATUTES; AMENDING SECTION 28-2351, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2008, CHAPTER 93, SECTION 1; AMENDING SECTION 28-2403, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2008, CHAPTER 93, SECTION 2; AMENDING SECTION 28-2405, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2008, CHAPTER 93, SECTION 3; AMENDING SECTIONS 28-2409 AND 28-2416, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 7, ARTICLE 12, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-2416.01; AMENDING SECTION 28-2511, ARIZONA REVISED STATUTES; AMENDING SECTION 28-6991, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2008, CHAPTER 93, SECTION 6; RELATING TO THE DEPARTMENT OF TRANSPORTATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 28, chapter 2, article 2, Arizona Revised Statutes,
3 is amended by adding section 28-336, to read:

4 28-336. High occupancy vehicle lane; lane degradation; priority
5 use

6 A. IN ACCORDANCE WITH 23 UNITED STATES CODE SECTION 166, THE
7 DEPARTMENT SHALL DEVELOP PROCEDURES TO MONITOR THE IMPACT THAT SINGLE
8 OCCUPANCY VEHICLES AUTHORIZED UNDER SECTIONS 28-2416 AND 28-2416.01 HAVE ON
9 THE OPERATION OF THE HIGH OCCUPANCY VEHICLE LANES.

10 B. IF A HIGH OCCUPANCY VEHICLE LANE BECOMES DEGRADED DUE TO THE
11 AUTHORIZATION OF SINGLE OCCUPANCY VEHICLES AUTHORIZED UNDER SECTIONS 28-2416
12 AND 28-2416.01, USE OF THE LANE IS RESTRICTED TO THE FOLLOWING VEHICLES IN
13 THE FOLLOWING PRIORITY:

14 1. PASSENGER VEHICLES WITH TWO OR MORE OCCUPANTS, INCLUDING THE
15 DRIVER.

16 2. PUBLIC TRANSIT BUSES.

17 3. BUSES WITH TWO OR MORE OCCUPANTS, INCLUDING THE DRIVER.

18 4. MOTORCYCLES.

19 5. ALTERNATIVE FUEL VEHICLES THAT ARE INCAPABLE OF OPERATING ON ANY
20 OTHER TYPE OF FUEL.

21 6. LOW EMISSION AND ENERGY EFFICIENT VEHICLES.

22 7. ALTERNATIVE FUEL VEHICLES THAT ARE CAPABLE OF OPERATING ON ANY
23 OTHER TYPE OF FUEL.

24 C. THE DEPARTMENT SHALL LIMIT USE TO VEHICLES IN THE PRIORITY ORDER
25 PRESCRIBED IN SUBSECTION B OF THIS SECTION AND SHALL MAINTAIN THOSE
26 RESTRICTIONS WHILE THE LANE OR PORTION OF THE LANE REMAINS DEGRADED.

27 D. FOR THE PURPOSES OF THIS SECTION, A HIGH OCCUPANCY VEHICLE LANE
28 SHALL BE CONSIDERED DEGRADED IF VEHICLES OPERATING ON THE FACILITY, OR
29 PORTIONS OF THE FACILITY, ARE FAILING TO MAINTAIN A SPEED OF FORTY-FIVE MILES
30 PER HOUR OR GREATER NINETY PER CENT OF THE TIME OVER A CONSECUTIVE ONE
31 HUNDRED EIGHTY DAY PERIOD DURING MORNING AND EVENING WEEKDAY PEAK HOUR
32 PERIODS.

33 Sec. 2. Section 28-601, Arizona Revised Statutes, is amended to read:

34 28-601. Definitions

35 In this chapter, unless the context otherwise requires:

36 1. "Commercial motor vehicle" means a motor vehicle or combination of
37 motor vehicles used to transport passengers or property if the motor vehicle
38 either:

39 (a) Has a gross combined weight rating of twenty-six thousand one or
40 more pounds inclusive of a towed unit with a gross vehicle weight rating of
41 more than ten thousand pounds.

42 (b) Has a gross vehicle weight rating of twenty-six thousand one or
43 more pounds.

44 (c) Is a school bus.

45 (d) Is a bus.

1 (e) Is used in the transportation of materials found to be hazardous
2 for the purposes of the hazardous materials transportation act (49 United
3 States Code sections 5101 through 5127) and is required to be placarded under
4 49 Code of Federal Regulations section 172.504, as adopted by the department
5 pursuant to chapter 14 of this title.

6 2. "Controlled access highway" means a highway, street or roadway to
7 or from which owners or occupants of abutting lands and other persons have no
8 legal right of access except at such points only and in the manner determined
9 by the public authority that has jurisdiction over the highway, street or
10 roadway.

11 3. "Crosswalk" means:

12 (a) That part of a roadway at an intersection included within the
13 prolongations or connections of the lateral lines of the sidewalks on
14 opposite sides of the highway measured from the curbs or, in absence of
15 curbs, from the edges of the traversable roadway.

16 (b) Any portion of a roadway at an intersection or elsewhere that is
17 distinctly indicated for pedestrian crossing by lines or other markings on
18 the surface.

19 4. "Escort vehicle" means a vehicle that is required pursuant to rules
20 adopted by the department to escort motor vehicles or combinations of
21 vehicles that require issuance of a permit pursuant to article 18 or 19 of
22 this chapter for operation on the highways of this state.

23 5. "Explosives" means any chemical compound, mixture or device that is
24 commonly used or intended for the purpose of producing an explosion and that
25 is defined in 49 Code of Federal Regulations part 173.

26 6. "Flammable liquid" means any liquid that has a flash point of less
27 than one hundred degrees Fahrenheit and that is defined in 49 Code of Federal
28 Regulations section 173.120.

29 7. "Gross weight" means the weight of a vehicle without a load plus
30 the weight of any load on the vehicle.

31 8. "Intersection" means the area embraced within the prolongation or
32 connection of the lateral curb lines, or if none, the lateral boundary lines
33 of the roadways of two highways that join one another at, or approximately
34 at, right angles, or the area within which vehicles traveling on different
35 highways joining at any other angle may come in conflict. If a highway
36 includes two roadways thirty or more feet apart, each crossing of each
37 roadway of the divided highway by an intersecting highway is a separate
38 intersection. If the intersecting highway also includes two roadways thirty
39 or more feet apart, each crossing of two roadways of the highways is a
40 separate intersection.

41 9. "License" means any license, temporary instruction permit or
42 temporary license issued under the laws of this state or any other state that
43 pertain to the licensing of persons to operate motor vehicles.

44 10. "LOW EMISSION AND ENERGY EFFICIENT VEHICLE" MEANS A VEHICLE THAT
45 HAS BEEN CERTIFIED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

1 ADMINISTRATOR IN ACCORDANCE WITH 23 UNITED STATES CODE SECTION 166 OR THAT IS
2 PART OF A FEDERALLY APPROVED PILOT PROGRAM.

3 ~~10-~~ 11. "Motorized wheelchair" means any self-propelled wheelchair
4 that is used by a person for mobility.

5 ~~11-~~ 12. "Official traffic control device" means any sign, signal,
6 marking or device that is not inconsistent with this chapter and that is
7 placed or erected by authority of a public body or official having
8 jurisdiction for the purpose of regulating, warning or guiding traffic.

9 ~~12-~~ 13. "Park", if prohibited, means the standing of a vehicle,
10 whether occupied or not, otherwise than temporarily for the purpose of and
11 while actually engaged in loading or unloading.

12 ~~13-~~ 14. "Photo enforcement system" means a device substantially
13 consisting of a radar unit or sensor linked to a camera or other recording
14 device that produces one or more photographs, microphotographs, videotapes or
15 digital or other recorded images of a vehicle's license plate for the purpose
16 of identifying violators of articles 3 and 6 of this chapter.

17 ~~14-~~ 15. "Pneumatic tire" means a tire in which compressed air is
18 designed to support the load.

19 ~~15-~~ 16. "Pole trailer" means a vehicle that is all of the following:

20 (a) Without motive power.

21 (b) Designed to be drawn by another vehicle and attached to the towing
22 vehicle by means of a reach or pole or by being boomed or otherwise secured
23 to the towing vehicle.

24 (c) Used ordinarily for transporting long or irregularly shaped loads
25 such as poles, pipes or structural members capable generally of sustaining
26 themselves as beams between the supporting connections.

27 ~~16-~~ 17. "Police officer" means an officer authorized to direct or
28 regulate traffic or make arrests for violations of traffic rules or other
29 offenses.

30 ~~17-~~ 18. "Private road or driveway" means a way or place that is in
31 private ownership and that is used for vehicular travel by the owner and
32 those persons who have express or implied permission from the owner but not
33 by other persons.

34 ~~18-~~ 19. "Railroad" means a carrier of persons or property on cars
35 operated on stationary rails.

36 ~~19-~~ 20. "Railroad sign or signal" means a sign, signal or device
37 erected by authority of a public body or official or by a railroad and
38 intended to give notice of the presence of railroad tracks or the approach of
39 a railroad train.

40 ~~20-~~ 21. "Railroad train" means a steam engine or any electric or other
41 motor that is with or without cars coupled to the steam engine or electric or
42 other motor and that is operated on rails.

43 ~~21-~~ 22. "Roadway" means that portion of a highway that is improved,
44 designed or ordinarily used for vehicular travel, exclusive of the berm or

1 shoulder. If a highway includes two or more separate roadways, roadway refers
2 to any such roadway separately but not to all such roadways collectively.

3 ~~22-~~ 23. "Safety zone" means the area or space that is both:

4 (a) Officially set apart within a roadway for the exclusive use of
5 pedestrians.

6 (b) Protected or either marked or indicated by adequate signs as to be
7 plainly visible at all times while set apart as a safety zone.

8 ~~23-~~ 24. "Sidewalk" means that portion of a street that is between the
9 curb lines or the lateral lines of a roadway and the adjacent property lines
10 and that is intended for the use of pedestrians.

11 ~~24-~~ 25. "Solid tire" means a tire that both:

12 (a) Is made of rubber or other resilient material.

13 (b) Does not depend on compressed air for the support of the load.

14 ~~25-~~ 26. "Stop", if required, means complete cessation from movement.

15 ~~26-~~ 27. "Stop, stopping or standing", if prohibited, means any
16 stopping or standing of an occupied or unoccupied vehicle, except when
17 necessary to avoid conflict with other traffic or in compliance with
18 directions of a police officer or traffic control sign or signal.

19 ~~27-~~ 28. "Through highway" means a highway or portion of a highway at
20 the entrances to which vehicular traffic from intersecting highways is
21 required by law to stop before entering or crossing and when stop signs are
22 erected as provided in this chapter.

23 ~~28-~~ 29. "Traffic" means pedestrians, ridden or herded animals,
24 vehicles and other conveyances either singly or together while using a
25 highway for purposes of travel.

26 ~~29-~~ 30. "Traffic control signal" means a device, whether manually,
27 electrically or mechanically operated, by which traffic is alternately
28 directed to stop and to proceed.

29 ~~30-~~ 31. "Truck" means a motor vehicle that is designed, used or
30 maintained primarily for the transportation of property.

31 Sec. 3. Section 28-641, Arizona Revised Statutes, is amended to read:

32 ~~28-641.~~ 28-641. Traffic control device manual and specifications

33 The director shall adopt a manual and specifications for a uniform
34 system of traffic control devices for use on highways in this state. ~~Except~~
35 ~~as provided in section 28-2416,~~ The uniform system shall correlate with and
36 as far as possible conform to the system set forth in the most recent edition
37 of the manual on uniform traffic control devices for streets and highways
38 prepared by the national joint committee on uniform traffic control devices.

39 Sec. 4. Section 28-642, Arizona Revised Statutes, is amended to read:

40 ~~28-642.~~ 28-642. Traffic control signs on state highways; rules

41 A. The director shall place and maintain traffic control devices that
42 conform to the manual and specifications prescribed in section 28-641 ~~and to~~
43 ~~the requirements prescribed in section 28-2416~~ on all state highways as the
44 director deems necessary to indicate and to carry out this chapter or to
45 regulate, warn or guide traffic.

1 B. A local authority shall not place or maintain a traffic control
2 device on a highway under the jurisdiction of the director except by the
3 director's permission.

4 C. In cooperation with local authorities, the director shall
5 synchronize traffic control signals on a state highway that has a traffic
6 flow exceeding fifteen thousand motor vehicles per day in a vehicle emissions
7 control area as defined in section 49-541.

8 D. The director shall adopt rules pursuant to title 41, chapter 6 to
9 establish criteria for the installation and maintenance of directional signs
10 for universities prescribed in section 15-1601, for community colleges as
11 defined in section 15-1401 and for the campus of a regionally accredited
12 college or university.

13 Sec. 5. Section 28-737, Arizona Revised Statutes, is amended to read:

14 28-737. High occupancy vehicle lanes; civil penalty; definition

15 A. Except as provided in ~~section~~ SECTIONS 28-2416 AND 28-2416.01 and
16 subsections B, C, D and E of this section, a person shall not drive a vehicle
17 carrying fewer than two persons, including the driver, in a high occupancy
18 vehicle lane at any time the use of the high occupancy vehicle lane is
19 restricted to vehicles carrying two or more persons, including the driver.

20 B. If the department receives approval from the federal government
21 allowing the use of high occupancy vehicle lanes by ~~hybrid vehicles, a person~~
22 ~~may drive a hybrid vehicle with alternative fuel vehicle special plates, or~~
23 ~~an alternative fuel vehicle sticker, and a hybrid vehicle sticker issued~~ LOW
24 EMISSION AND ENERGY EFFICIENT VEHICLES ACHIEVING NOT LESS THAN A FIFTY PER
25 CENT INCREASE IN CITY FUEL ECONOMY OR NOT LESS THAN A TWENTY-FIVE PER CENT
26 INCREASE IN COMBINED CITY-HIGHWAY FUEL ECONOMY IN ACCORDANCE WITH 23 UNITED
27 STATES CODE SECTION 166, A PERSON MAY DRIVE A LOW EMISSION AND ENERGY
28 EFFICIENT VEHICLE WITH LOW EMISSION AND ENERGY EFFICIENT VEHICLE SPECIAL
29 PLATES ISSUED pursuant to section ~~28-2416~~ 28-2416.01 in high occupancy
30 vehicle lanes at any time, regardless of occupancy level, without penalty.

31 C. During the performance of a tow truck operator's duties, a tow
32 truck operator may drive a tow truck in a high occupancy vehicle lane,
33 regardless of occupancy level, without penalty.

34 D. A person may drive a motorcycle in a high occupancy vehicle lane at
35 any time regardless of the number of passengers, without penalty.

36 E. A person may drive a public transportation vehicle in a high
37 occupancy vehicle lane at any time regardless of the number of passengers,
38 without penalty.

39 F. A person who violates subsection A of this section is subject to a
40 civil penalty of two hundred dollars.

41 G. Notwithstanding section 28-1554, one hundred dollars of each civil
42 penalty collected pursuant to subsection F of this section shall be deposited
43 in the state general fund.

44 H. For the purposes of this section, ~~±~~

1 ~~1. "Hybrid vehicle" means a factory manufactured vehicle that~~
2 ~~satisfies all of the following:~~

3 ~~(a) Combines two or more power train technologies to produce a vehicle~~
4 ~~with significantly lower fuel consumption than the average of its class.~~

5 ~~(b) Exhibits the storage of kinetic energy by use of regenerative~~
6 ~~braking and batteries or capacitors, and the stored energy is used to assist~~
7 ~~or provide full acceleration of the vehicle.~~

8 ~~(c) Allows a portion of the energy to be supplied from an internal~~
9 ~~combustion engine or fuel cell for vehicle acceleration and to store~~
10 ~~electrical energy on board.~~

11 ~~(d) Obtains all energy required to operate from storage fuel tanks~~
12 ~~placed on board the vehicle.~~

13 ~~(e) Has been approved by the United States environmental protection~~
14 ~~agency as meeting, at a minimum, the United States environmental protection~~
15 ~~agency ultralow emission vehicle standard pursuant to 40 Code of Federal~~
16 ~~Regulations section 88.104-94.~~

17 ~~2.~~ "public transportation vehicle" means any vehicle that provides a
18 public entity's public transportation service and either:

19 ~~(a)~~ 1. Is owned or operated by the public entity.

20 ~~(b)~~ 2. Is operated under a contract with the public entity.

21 Sec. 6. Section 28-876, Arizona Revised Statutes, is amended to read:

22 ~~28-876.~~ Parking spaces for electric vehicles; civil penalty

23 A. A person shall not stop, stand or park a motor vehicle within any
24 parking space specially designated for parking and fueling motor vehicles
25 fueled **EXCLUSIVELY** by electricity unless the motor vehicle is powered by
26 electricity and has been issued an alternative fuel vehicle special plate or
27 sticker pursuant to section 28-2416.

28 B. If a law enforcement officer finds a motor vehicle in violation of
29 this section, the law enforcement officer shall issue a complaint to the
30 operator or other person in charge of the motor vehicle or, if an operator or
31 other person is not present, to the registered owner of the motor vehicle for
32 a civil traffic violation.

33 C. A person who is found responsible for a violation of this section
34 is subject to a civil penalty of at least three hundred fifty dollars.
35 Notwithstanding section 28-1554, the civil penalties collected pursuant to
36 this subsection shall be deposited in the state general fund.

37 Sec. 7. Section 28-2351, Arizona Revised Statutes, as amended by Laws
38 2008, chapter 93, section 1, is amended to read:

39 ~~28-2351.~~ License plate provided; design

40 A. The department shall provide to every owner one license plate for
41 each vehicle registered. At the request of the owner and on payment of any
42 required fee, the department shall provide either one or two license plates
43 for a vehicle for which a special plate is requested pursuant to this
44 chapter, except that the department shall provide one license plate if the

1 special plate is issued pursuant to section 28-2404, 28-2409, ~~or~~ 28-2416 OR
2 28-2416.01.

3 B. The license plate shall display the number assigned to the vehicle
4 and to the owner of the vehicle and the name of this state, which may be
5 abbreviated. The director shall coat the license plate with a reflective
6 material that is consistent with the determination of the license plate
7 commission established by section 28-2405 regarding the color and design of
8 license plates and special plates as prescribed by section 28-2405. The
9 director shall design the license plate and the letters and numerals on the
10 license plate to be of sufficient size to be plainly readable during daylight
11 from a distance of one hundred feet. In addition to the standard license
12 plate issued for a trailer before August 12, 2005, the director shall issue a
13 license plate for trailers that has a design that is similar to the standard
14 size license plate for trailers but that is the same size as the license
15 plate for motorcycles. The trailer owner shall notify the department which
16 size license plate the owner wants for the trailer.

17 C. Notwithstanding any other law, the department shall not contract
18 with a nongovernmental entity to purchase or secure reflective material for
19 the plates issued by the department unless the department has made a
20 reasonable effort to secure qualified bids or proposals from as many
21 individual responsible respondents as possible.

22 D. The license plate commission established by section 28-2405 shall
23 determine the color and design of the license plate. All other plates issued
24 by the department, except the plates issued pursuant to sections 28-2412,
25 28-2413, 28-2414, 28-2416, 28-2416.01, 28-2417 through 28-2430, 28-2452,
26 28-2453, 28-2454 and 28-2455 and article 14 of this chapter, shall be the
27 same color as and similar in design to the license plate as determined by the
28 commission.

29 E. A passenger motor vehicle rented without a driver shall receive the
30 same type of license plate as issued for a private passenger motor vehicle.

31 Sec. 8. Section 28-2403, Arizona Revised Statutes, as amended by Laws
32 2008, chapter 93, section 2, is amended to read:

33 28-2403. Special plates; transfers; violation; classification

34 A. Except as otherwise provided in this article, the department shall
35 issue or renew special plates in lieu of the regular license plates pursuant
36 to the following conditions and procedures and only if the requirements
37 prescribed by this article for the requested special plates are met:

38 1. Except as provided in ~~section~~ SECTIONS 28-2416 AND 28-2416.01, a
39 person who is the registered owner of a vehicle registered with the
40 department or who applies for an original or renewal registration of a
41 vehicle may submit to the department a completed application form as
42 prescribed by the department with the fee prescribed by section 28-2402 for
43 special plates in addition to the registration fee prescribed by section
44 28-2003.

1 2. Except for plates issued pursuant to sections 28-2412, 28-2413,
2 28-2414, 28-2416, [28-2416.01](#), [28-2417](#) through 28-2430, 28-2452, 28-2453,
3 28-2454 and 28-2455 and article 14 of this chapter, the special plates shall
4 be the same color as and similar to the design of the regular license plates
5 that is determined by the license plate commission pursuant to section
6 28-2351.

7 3. Except as provided in section 28-2416, the department shall issue
8 special plates only to the owner or lessee of a vehicle that is currently
9 registered, including any vehicle that has a declared gross weight, as
10 defined in section 28-5431, of twenty-six thousand pounds or less.

11 4. Except as provided in ~~section~~ [SECTIONS 28-2416 AND 28-2416.01](#), the
12 department shall charge the fee prescribed by section 28-2402 for each annual
13 renewal of special plates in addition to the registration fee prescribed by
14 section 28-2003.

15 B. Except as provided in ~~section~~ [SECTIONS 28-2416 AND 28-2416.01](#), on
16 notification to the department and on payment of the transfer fee prescribed
17 by section 28-2402, a person who is issued special plates may transfer the
18 special plates to another vehicle the person owns or leases. Persons who are
19 issued special plates for hearing impaired persons pursuant to section
20 28-2408 and international symbol of access special plates pursuant to section
21 28-2409 are exempt from the transfer fee. If a person who is issued special
22 plates sells, trades or otherwise releases ownership of the vehicle on which
23 the plates have been displayed, the person shall immediately report the
24 transfer of the plates to the department or the person shall surrender the
25 plates to the department as prescribed by the director. It is unlawful for a
26 person to whom the plates have been issued to knowingly permit them to be
27 displayed on a vehicle except the vehicle authorized by the department.

28 C. The special plates shall be affixed to the vehicle for which
29 registration is sought in lieu of the regular license plates.

30 D. A person is guilty of a class 3 misdemeanor who:

31 1. Violates subsection B of this section.

32 2. Fraudulently gives false or fictitious information in the
33 application for or renewal of special plates or placards issued pursuant to
34 this article.

35 3. Conceals a material fact or otherwise commits fraud in the
36 application for or renewal of special plates or placards issued pursuant to
37 this article.

38 Sec. 9. Section 28-2405, Arizona Revised Statutes, as amended by Laws
39 2008, chapter 93, section 3, is amended to read:

40 [28-2405. License plate commission](#)

41 A. A license plate commission is established. The commission is
42 composed of the following members:

43 1. Two public members who are appointed by the director of the
44 department of transportation.

1 2. A person who is appointed by the governor from the governor's
2 office of highway safety and who serves at the pleasure of the governor.

3 3. The director of the department of public safety or the director's
4 designee.

5 4. The director of the department of transportation or the director's
6 designee.

7 5. The director of the office of tourism or the director's designee.

8 6. The director of the state department of corrections or the
9 director's designee.

10 B. The director of the department of transportation or the director's
11 designee shall serve as chairman of the commission. The chairman shall
12 preside at commission meetings and coordinate the activities of the
13 commission and staff implementation of commission actions.

14 C. All official actions of the commission shall be decided by a
15 majority vote of commission members.

16 D. The commission shall determine the following:

17 1. The color and design of license plates.

18 2. The color of special plates to be the same as and the design of
19 special plates to be similar to the license plates, except for special plates
20 issued pursuant to sections 28-2412, 28-2413, 28-2414, 28-2416, [28-2416.01](#),
21 [28-2417](#) through 28-2430, 28-2452, 28-2453, 28-2454 and 28-2455 and article 14
22 of this chapter.

23 3. Whether to authorize special organization plates pursuant to
24 section 28-2404.

25 4. The indicia for special organization plates issued pursuant to
26 section 28-2404.

27 E. The department shall provide the commission with staff and
28 technical assistance as necessary to perform its functions.

29 F. Commission members are not eligible to receive compensation, but
30 the members who are appointed pursuant to subsection A, paragraphs 1 and 2 of
31 this section are eligible for reimbursement of expenses pursuant to title 38,
32 chapter 4, article 2.

33 Sec. 10. Section 28-2409, Arizona Revised Statutes, is amended to
34 read:

35 28-2409. International symbol of access special plates;
36 placard; issuance by motor vehicle dealers;
37 definitions

38 A. The department shall issue special plates bearing the international
39 symbol of access to either:

40 1. A person who is permanently physically disabled and who is an owner
41 or lessee of a motor vehicle.

42 2. An organization that owns or leases a motor vehicle that primarily
43 transports physically disabled persons.

1 B. A permanently disabled special plate issued under this section is
2 valid for as long as the person to whom the plate is issued qualifies for
3 issuance under this section.

4 C. A person who is permanently physically disabled may obtain, if
5 qualified, a permanently disabled removable windshield placard. A person who
6 is temporarily physically disabled may obtain, if qualified, a temporarily
7 disabled removable windshield placard. An organization that primarily
8 transports physically disabled persons may obtain, if qualified, a placard
9 for each of the qualified vehicles. The department shall issue only one
10 valid placard to a temporarily or permanently physically disabled applicant,
11 except to replace a lost, stolen or mutilated placard or if the department
12 determines, on receiving the applicant's written request, that the needs of
13 the applicant are such that two valid placards are required. The department
14 shall issue a placard pursuant to this section at no additional charge.

15 D. A permanently disabled removable windshield placard issued or
16 renewed under this section is valid for five years. A temporarily disabled
17 removable windshield placard issued or renewed under this section is valid
18 for a period of time as determined by the department. A person who desires
19 to obtain a temporarily disabled removable windshield placard for an
20 additional period of time shall submit a new application.

21 E. A person or organization that desires to obtain a permanently
22 disabled or temporarily disabled removable windshield placard or
23 international symbol of access special plates shall submit an application to
24 the department on a form furnished by the department that contains one of the
25 following:

26 1. If a permanently or temporarily disabled person, a certificate
27 completed by a hospital administrator, an authorized physician or a
28 registered nurse practitioner that certifies that the applicant is physically
29 disabled.

30 2. If an organization, a signed statement by an authorized officer of
31 the organization affirming that the registered vehicle that is owned or
32 leased by the organization and that will display the placard or the
33 international symbol of access special plates primarily transports physically
34 disabled persons.

35 F. On receipt of the application containing the medical certificate or
36 signed statement, if the department finds that the applicant qualifies for
37 the parking privileges pursuant to chapter 3, article 14 of this title, the
38 department shall issue the placard or international symbol of access special
39 plates.

40 G. A person or an organization desiring to renew a permanently
41 disabled removable windshield placard shall submit an application to the
42 department containing one of the following:

43 1. If a permanently disabled person, a signed statement by the person
44 that is witnessed by a department agent or notary public, that requests the

1 renewal of the placard and that affirms that the person is physically
2 disabled.

3 2. If an organization, a signed statement by an authorized officer of
4 the organization affirming that the registered vehicle that is owned or
5 leased by the organization and that will display the placard primarily
6 transports physically disabled persons.

7 H. The placard or international symbol of access special plates shall
8 be displayed on or in the motor vehicle in the manner prescribed by the
9 department.

10 I. A request for special plates issued under this section may be
11 combined with a request for an honored military license plate issued under
12 article 13 of this chapter or any other special plate. The department shall
13 prescribe the form for the request. The request is subject to payment of
14 only the fee required for the honored military license plate or other special
15 plate and is not subject to any other special plate fee under section
16 28-2402. An international symbol of access special plate that is combined
17 with an honored military license plate or any other special plate is not a
18 personalized special plate under section 28-2406.

19 J. NOTWITHSTANDING ANY OTHER LAW, A MOTOR VEHICLE DEALER THAT IS
20 LICENSED PURSUANT TO CHAPTER 10 OF THIS TITLE MAY ISSUE AN INTERNATIONAL
21 SYMBOL OF ACCESS SPECIAL PLATE TO AN ORGANIZATION THAT PRIMARILY TRANSPORTS
22 PHYSICALLY DISABLED PERSONS IF THE MOTOR VEHICLE DEALER VERIFIES THAT THE
23 ORGANIZATION HAS PREVIOUSLY BEEN ISSUED AN INTERNATIONAL SYMBOL OF ACCESS
24 SPECIAL PLATE.

25 ~~J.~~ K. For the purposes of this section:

26 1. "Authorized physician" means a doctor of medicine, osteopathy,
27 podiatry or chiropractic licensed to practice medicine in this state or
28 another state or authorized by the United States government to practice
29 medicine.

30 2. "Permanently disabled removable windshield placard" means a
31 two-sided, hooked placard that includes on each side all of the following:

32 (a) The international symbol of access that is at least three inches
33 in height, that is centered on the placard and that is white on a blue
34 shield.

35 (b) An identification number.

36 (c) An expiration date.

37 (d) The seal or other identification of the issuing authority.

38 3. "Physically disabled person" means a person who, as determined by a
39 hospital administrator or authorized physician, meets any of the following
40 conditions:

41 (a) Cannot walk two hundred feet without stopping to rest.

42 (b) Cannot walk without the use of or assistance from any brace, cane,
43 crutch, other person, prosthetic device, wheelchair or other assistive
44 device.

1 (c) Is restricted by lung disease to such an extent that the person's
2 forced respiratory, expiratory volume for one second, if measured by
3 spirometry, is less than one liter, or the arterial oxygen tension is less
4 than sixty mm/Hg on room air at rest.

5 (d) Uses portable oxygen.

6 (e) Has a cardiac condition to the extent that the person's functional
7 limitations are classified in severity as class III or class IV according to
8 standards set by the American heart association.

9 (f) Is severely limited in the person's ability to walk due to an
10 arthritic, neurological or orthopedic condition.

11 4. "Temporarily disabled removable windshield placard" means a
12 two-sided, hooked placard that includes on each side all of the following:

13 (a) The international symbol of access that is at least three inches
14 in height, that is centered on the placard and that is white on a red shield.

15 (b) An identification number.

16 (c) A date of expiration.

17 (d) The seal or other identification of the issuing authority.

18 Sec. 11. Section 28-2416, Arizona Revised Statutes, is amended to
19 read:

20 28-2416. Alternative fuel vehicle special plates; stickers; use
21 of high occupancy vehicle lanes; civil penalty;
22 definition

23 A. ~~Beginning on April 1, 1997,~~ A person who owns a motor vehicle that
24 has either been converted or manufactured to use an alternative fuel **AS THE**
25 **VEHICLE'S EXCLUSIVE FUEL SOURCE AND IS INCAPABLE OF OPERATING ON ANY OTHER**
26 **TYPE OF FUEL** and the alternative fuel was subject to the use fuel tax imposed
27 pursuant to chapter 16 of this title before April 1, 1997 shall apply for
28 alternative fuel vehicle special plates pursuant to this section.

29 ~~B. A person who owns a motor vehicle that is a hybrid vehicle may~~
30 ~~apply for alternative fuel vehicle special plates pursuant to this section.~~
31 ~~The department shall issue alternative fuel vehicle special plates, or an~~
32 ~~alternative fuel vehicle sticker as provided in subsection E of this section,~~
33 ~~and a hybrid vehicle sticker to a person who satisfies the requirements~~
34 ~~prescribed in subsection C of this section. The hybrid vehicle sticker shall~~
35 ~~be designed by the department and shall be placed on the motor vehicle as~~
36 ~~prescribed by the department.~~

37 ~~C.~~ B. The department shall issue alternative fuel vehicle special
38 plates, or an alternative fuel vehicle sticker as provided in subsection ~~E~~ **D**
39 of this section, to a person who satisfies all of the following:

40 1. Owns a motor vehicle that is **EXCLUSIVELY** powered by an alternative
41 fuel ~~or that is a hybrid vehicle~~ **AND IS INCAPABLE OF OPERATING ON ANY OTHER**
42 **TYPE OF FUEL.**

43 2. Provides proof as follows:

44 (a) For an original equipment manufactured alternative fuel vehicle ~~or~~
45 ~~hybrid vehicle~~, the dealer who sells the motor vehicle shall provide to the

1 department of transportation and the owner of the motor vehicle a certificate
2 indicating:

3 (i) That the motor vehicle is **EXCLUSIVELY** powered by an alternative
4 fuel ~~or is a hybrid vehicle~~ **AND IS INCAPABLE OF OPERATING ON ANY OTHER TYPE**
5 **OF FUEL.**

6 (ii) The emission classification of the motor vehicle as low,
7 inherently low, ultralow or zero.

8 (b) For a converted motor vehicle or a motor vehicle that is assembled
9 by the owner, the department of environmental quality or an agent of the
10 department of environmental quality shall provide a certificate to the
11 department of transportation and the owner of the motor vehicle indicating
12 that the motor vehicle is **EXCLUSIVELY** powered by an alternative fuel ~~or is a~~
13 ~~hybrid vehicle~~ **AND IS INCAPABLE OF OPERATING ON ANY OTHER TYPE OF FUEL.**

14 3. Pays an eight dollar special plate ~~administrative~~ **ADMINISTRATION**
15 fee, except that vehicles that are registered pursuant to section 28-2511 are
16 exempt from that fee. The department shall deposit, pursuant to sections
17 35-146 and 35-147, all special plate ~~administrative~~ **ADMINISTRATION** fees in
18 the state highway fund established by section 28-6991.

19 ~~D.~~ **C.** The color and design of the alternative fuel vehicle special
20 plates are subject to the approval of the department of commerce energy
21 office. The director may allow a request for alternative fuel vehicle
22 special plates to be combined with a request for personalized special plates.
23 If the director allows such a combination, the request shall be in a form
24 prescribed by the director and is subject to the fees for the personalized
25 special plates in addition to the fees required for alternative fuel vehicle
26 special plates. Alternative fuel vehicle special plates are not
27 transferable, except that if the director allows alternative fuel vehicle
28 special plates to be personalized a person who is issued personalized
29 alternative fuel vehicle special plates may transfer those plates to another
30 alternative fuel vehicle for which the person is the registered owner or
31 lessee.

32 ~~E.~~ **D.** If a motor vehicle qualifies pursuant to this section and any
33 other special plates are issued pursuant to article 7, 8 or 13 of this
34 chapter or section 28-2514 for the motor vehicle, the department may issue an
35 alternative fuel vehicle sticker to the person who owns the motor
36 vehicle. The alternative fuel vehicle sticker shall be diamond-shaped, shall
37 indicate the type of alternative fuel used by the vehicle and shall be placed
38 on the motor vehicle as prescribed by the department.

39 ~~F.~~ **E.** Except as provided in section ~~28-737, subsection B~~ **28-336**, a
40 person may drive a motor vehicle with alternative fuel vehicle special plates
41 or an alternative fuel vehicle sticker in high occupancy vehicle lanes at any
42 time, regardless of occupancy level, without penalty.

43 ~~G.~~ **F.** A person shall not drive a motor vehicle in a high occupancy
44 vehicle lane with an alternative fuel vehicle sticker if the motor vehicle is
45 not an alternative fuel vehicle ~~or a hybrid vehicle~~ for which an alternative

1 fuel vehicle sticker ~~and a hybrid vehicle sticker have~~ HAS been issued
2 pursuant to this section. A person who violates this subsection is subject
3 to a civil penalty of three hundred fifty dollars. Notwithstanding section
4 28-1554, the civil penalty collected pursuant to this subsection shall be
5 deposited in the state general fund.

6 ~~H. The department shall mark high occupancy vehicle lane signs to~~
7 ~~indicate that those lanes may be used by alternative fuel vehicles regardless~~
8 ~~of the number of occupants. The design of the sign shall be the same as the~~
9 ~~design of the alternative fuel vehicle special plate, and the sign shall be~~
10 ~~at least as large as the high occupancy vehicle lane sign. These high~~
11 ~~occupancy vehicle lane signs are official traffic control devices. On~~
12 ~~highway exit signs the department shall also indicate access to alternative~~
13 ~~fuel vehicle fueling stations that are open to the public.~~

14 G. FOR THE PURPOSES OF SECTION 28-336, THE DEPARTMENT SHALL:

15 1. LIMIT OR SUSPEND THE ISSUANCE OF ALTERNATIVE FUEL VEHICLE SPECIAL
16 PLATES.

17 2. REMOVE THE PRIVILEGE OF OPERATING IN THE HIGH OCCUPANCY VEHICLE
18 LANE WITH A SINGLE OCCUPANT, INCLUDING THE DRIVER.

19 ~~H.~~ H. If the department publishes maps of the state highway system
20 that are distributed to the general public, the department shall indicate on
21 those maps the approximate location of alternative fuel delivery facilities
22 that are open to the public.

23 ~~I.~~ I. For the purposes of this section, ~~+~~

24 ~~+~~ "alternative fuel" has the same meaning prescribed in section
25 1-215.

26 ~~2. "Hybrid vehicle" has the same meaning prescribed in section 28-737.~~

27 Sec. 12. Title 28, chapter 7, article 12, Arizona Revised Statutes, is
28 amended by adding section 28-2416.01, to read:

29 28-2416.01. Low emission and energy efficient vehicle special
30 plates; use of high occupancy vehicle lanes;
31 civil penalty

32 A. EXCEPT AS PROVIDED IN SECTION 28-336 AND IF THE DEPARTMENT RECEIVES
33 APPROVAL FROM THE FEDERAL GOVERNMENT ALLOWING THE USE OF HIGH OCCUPANCY
34 VEHICLE LANES BY LOW EMISSION AND ENERGY EFFICIENT VEHICLES AS DEFINED IN
35 SECTION 28-601, A PERSON WHO OWNS A MOTOR VEHICLE THAT IS A LOW EMISSION AND
36 ENERGY EFFICIENT VEHICLE MAY APPLY FOR A LOW EMISSION AND ENERGY EFFICIENT
37 VEHICLE SPECIAL PLATE PURSUANT TO THIS SECTION. THE LOW EMISSION AND ENERGY
38 EFFICIENT VEHICLE SPECIAL PLATE SHALL BE DESIGNED BY THE DIRECTOR.

39 B. A PERSON WHO APPLIES FOR A LOW EMISSION AND ENERGY EFFICIENT
40 VEHICLE SPECIAL PLATE SHALL PAY AN EIGHT DOLLAR PLATE ADMINISTRATION FEE,
41 EXCEPT THAT VEHICLES THAT ARE REGISTERED PURSUANT TO SECTION 28-2511 ARE
42 EXEMPT FROM THAT FEE. THE DEPARTMENT SHALL DEPOSIT, PURSUANT TO SECTIONS
43 35-146 AND 35-147, ALL SPECIAL PLATE ADMINISTRATION FEES IN THE STATE HIGHWAY
44 FUND ESTABLISHED BY SECTION 28-6991.

1 C. THE DIRECTOR MAY ALLOW A REQUEST FOR A LOW EMISSION AND ENERGY
2 EFFICIENT VEHICLE SPECIAL PLATE TO BE COMBINED WITH A REQUEST FOR
3 PERSONALIZED SPECIAL PLATES. IF THE DIRECTOR ALLOWS SUCH A COMBINATION, THE
4 REQUEST SHALL BE IN A FORM PRESCRIBED BY THE DIRECTOR AND IS SUBJECT TO THE
5 FEES FOR THE PERSONALIZED SPECIAL PLATES IN ADDITION TO THE FEES REQUIRED FOR
6 LOW EMISSION AND ENERGY EFFICIENT VEHICLE SPECIAL PLATES. LOW EMISSION AND
7 ENERGY EFFICIENT VEHICLE SPECIAL PLATES ARE NOT TRANSFERABLE, EXCEPT THAT IF
8 THE DIRECTOR ALLOWS LOW EMISSION AND ENERGY EFFICIENT VEHICLE SPECIAL PLATES
9 TO BE PERSONALIZED A PERSON WHO IS ISSUED PERSONALIZED LOW EMISSION AND
10 ENERGY EFFICIENT VEHICLE SPECIAL PLATES MAY TRANSFER THOSE PLATES TO ANOTHER
11 LOW EMISSION AND ENERGY EFFICIENT VEHICLE FOR WHICH THE PERSON IS THE
12 REGISTERED OWNER OR LESSEE.

13 D. EXCEPT AS PROVIDED IN SECTION 28-336, A PERSON MAY DRIVE A MOTOR
14 VEHICLE WITH A LOW EMISSION AND ENERGY EFFICIENT VEHICLE SPECIAL PLATE IN
15 HIGH OCCUPANCY VEHICLE LANES AT ANY TIME, REGARDLESS OF OCCUPANCY LEVEL,
16 WITHOUT PENALTY.

17 E. FOR THE PURPOSES OF SECTION 28-336, THE DEPARTMENT SHALL:

18 1. LIMIT OR SUSPEND THE ISSUANCE OF LOW EMISSION AND ENERGY EFFICIENT
19 VEHICLE SPECIAL PLATES.

20 2. REMOVE THE PRIVILEGE OF OPERATING IN THE HIGH OCCUPANCY VEHICLE
21 LANE WITH A SINGLE OCCUPANT, INCLUDING THE DRIVER.

22 F. A PERSON SHALL NOT DRIVE A MOTOR VEHICLE IN A HIGH OCCUPANCY
23 VEHICLE LANE WITH A LOW EMISSION AND ENERGY EFFICIENT VEHICLE SPECIAL PLATE
24 IF THE MOTOR VEHICLE IS NOT A LOW EMISSION ENERGY EFFICIENT VEHICLE FOR WHICH
25 A LOW EMISSION AND ENERGY EFFICIENT VEHICLE SPECIAL PLATE HAS BEEN ISSUED
26 PURSUANT TO THIS SECTION. A PERSON WHO VIOLATES THIS SUBSECTION IS SUBJECT
27 TO A CIVIL PENALTY OF THREE HUNDRED FIFTY DOLLARS. NOTWITHSTANDING SECTION
28 28-1554, THE CIVIL PENALTY COLLECTED PURSUANT TO THIS SUBSECTION SHALL BE
29 DEPOSITED IN THE STATE GENERAL FUND.

30 Sec. 13. Section 28-2511, Arizona Revised Statutes, is amended to
31 read:

32 28-2511. Official vehicles; registration exemption; definitions

33 A. A registration fee is not required for a vehicle owned by a foreign
34 government, by a consul or any other official representative of a foreign
35 government, by the United States, by a state or political subdivision of a
36 state, by an Indian tribal government, by a provider of ambulance, fire
37 fighting or rescue services that is used solely for the purpose of providing
38 emergency services or by a nonprofit organization that presents to the
39 department a form approved by the director of the division of emergency
40 management pursuant to section 26-318. The person who has custody of these
41 vehicles shall register them as required by this chapter and shall display
42 official license plates that bear distinguishing marks. The department shall
43 furnish the license plates free of charge. The department may issue regular
44 license plates without any distinguishing marks for vehicles that are exempt

1 from title 38, chapter 3, article 10 pursuant to section 38-538.03,
2 subsection B.

3 B. The director may issue license plates for vehicles owned by and
4 used in the line of duty by law enforcement agencies in other states and the
5 federal government without being registered as required by this chapter.

6 C. The director may enter into agreements or arrangements subject to
7 the approval of the attorney general of this state with the federal
8 government and with motor vehicle departments in other states to provide for
9 a reciprocal exchange of license plates for use on vehicles owned or operated
10 by law enforcement agencies for investigating actual or suspected violations
11 of law. License plates of other states obtained pursuant to this subsection
12 may be used on exempt vehicles of law enforcement agencies of this state or a
13 political subdivision of this state.

14 D. The director shall maintain a record of the license plates issued
15 pursuant to subsections B and C of this section. The director shall also
16 keep a record of the license plates received pursuant to subsection C of this
17 section, the regular license plates issued pursuant to subsection A of this
18 section and the vehicles to which the plates are attached. These records are
19 not open to public inspection except on demand of the attorney general.

20 E. ~~EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION,~~ any vehicle that
21 is registered pursuant to this section and that is powered **EXCLUSIVELY** by an
22 alternative fuel shall display an alternative fuel vehicle special plate
23 issued pursuant to section 28-2416. ~~, except that~~ **EXCEPT AS OTHERWISE**
24 **PROVIDED IN THIS SUBSECTION, ANY VEHICLE THAT IS REGISTERED PURSUANT TO THIS**
25 **SECTION AND THAT IS A LOW EMISSION AND ENERGY EFFICIENT VEHICLE AS DEFINED IN**
26 **SECTION 28-601 SHALL DISPLAY A LOW EMISSION AND ENERGY EFFICIENT VEHICLE**
27 **SPECIAL PLATE ISSUED PURSUANT TO SECTION 28-2416.01.** The department may
28 issue regular license plates without any alternative fuel **OR LOW EMISSION AND**
29 **ENERGY EFFICIENT** distinguishing marks or regular alternative fuel vehicle
30 special plates **OR LOW EMISSION AND ENERGY EFFICIENT VEHICLE SPECIAL PLATES**
31 for vehicles that are exempt from title 38, chapter 3, article 10 pursuant to
32 section 38-538.03, subsection B. This subsection applies to all existing
33 vehicles that are registered pursuant to this section and all newly-acquired
34 vehicles that are registered pursuant to this section.

35 F. For the purposes of this section:

36 1. "Alternative fuel" has the same meaning prescribed in section
37 1-215.

38 2. "Ambulance" means a vehicle for which a certificate of registration
39 has been issued pursuant to section 36-2212.

40 Sec. 14. Section 28-6991, Arizona Revised Statutes, as amended by Laws
41 2008, chapter 93, section 6, is amended to read:

42 28-6991. State highway fund; sources

43 A state highway fund is established that consists of:

44 1. Monies distributed from the Arizona highway user revenue fund
45 pursuant to chapter 18 of this title.

1 2. Monies appropriated by the legislature.

2 3. Monies received from donations for the construction, improvement or
3 maintenance of state highways or bridges. These monies shall be credited to
4 a special account and shall be spent only for the purpose indicated by the
5 donor.

6 4. Monies received from counties under cooperative agreements,
7 including proceeds from bond issues. The state treasurer shall deposit these
8 monies to the credit of the fund in a special account on delivery to the
9 treasurer of a concise written agreement between the department and the
10 county stating the purposes for which the monies are surrendered by the
11 county, and these monies shall be spent only as stated in the agreement.

12 5. Monies received from the United States under an act of Congress to
13 provide aid for the construction of rural post roads, but monies received on
14 projects for which the monies necessary to be provided by this state are
15 wholly derived from sources mentioned in paragraphs 2 and 3 of this section
16 shall be allotted by the department and deposited by the state treasurer in
17 the special account within the fund established for each project. On
18 completion of the project, on the satisfaction and discharge in full of all
19 obligations of any kind created and on request of the department, the
20 treasurer shall transfer the unexpended balance in the special account for
21 the project into the state highway fund, and the unexpended balance and any
22 further federal aid thereafter received on account of the project may be
23 spent under the general provisions of this title.

24 6. Monies in the custody of an officer or agent of this state from any
25 source that is to be used for the construction, improvement or maintenance of
26 state highways or bridges.

27 7. Monies deposited in the state general fund and arising from the
28 disposal of state personal property belonging to the department.

29 8. Receipts from the sale or disposal of any or all other property
30 held by the department and purchased with state highway monies.

31 9. Monies generated pursuant to section 28-410.

32 10. Monies distributed pursuant to section 28-5808, subsection B,
33 paragraph 2, subdivision (d).

34 11. Monies deposited pursuant to sections 28-1143, 28-2353 and 28-3003.

35 12. Except as provided in section 28-5101, the following monies:

36 (a) Monies deposited pursuant to section 28-2206 and section 28-5808,
37 subsection B, paragraph 2, subdivision (e).

38 (b) One dollar of each registration fee and one dollar of each title
39 fee collected pursuant to section 28-2003.

40 (c) Two dollars of each late registration penalty collected by the
41 director pursuant to section 28-2162.

42 (d) The air quality compliance fee collected pursuant to section
43 49-542.

1 (e) The special plate administration fees collected pursuant to
2 sections 28-2404, 28-2412 through 28-2416, 28-2416.01, 28-2417 THROUGH
3 28-2430 and 28-2514.

4 (f) Monies collected pursuant to sections 28-372, 28-2155 and 28-2156
5 if the director is the registering officer.

6 13. Monies deposited pursuant to chapter 5, article 5 of this title.

7 14. Donations received pursuant to section 28-2269.

8 15. Dealer and registration monies collected pursuant to section
9 28-4304.

10 16. Abandoned vehicle administration monies deposited pursuant to
11 section 28-4804.

12 17. Monies deposited pursuant to section 28-710, subsection D,
13 paragraph 2.

14 18. Donations deposited pursuant to section 28-2430.